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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,682	03/30/2001	Louis Arquie	K35A0768	6107
25235	7590	03/26/2004	EXAMINER	
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEENTH ST DENVER, CO 80202			BAUTISTA, XIOMARA L	
			ART UNIT	PAPER NUMBER
			2173	7

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/823,682	ARQUIE ET AL.
	Examiner	Art Unit
	X L Bautista	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 March 2001.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 30 March 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 6.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C.

112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "the step of displaying additional information" in lines 8-9. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "the step of accepting signals" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of

paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**4. Claims 1-3, 5, 6, 11-15 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by *McIntyre et al* (US 6,229,538 B1).**

Claims 1 and 19:

McIntyre discloses a method for displaying connection information in a network topology display, the method uses a system including a processor coupled to a display screen (fig. 1; col. 2, lines 29-42; col. 3, lines 66-67; col. 4, lines 1-32). The method obtains connection information about a first node interconnected with a second node; displays the nodes and the connections (single or multiple) on the screen; and it also displays different types of connectors between the endpoint symbols, according to the status of the connection (figs. 13-15; col. 16, lines 3-67; col. 17, lines 1-36).

Claim 2:

McIntyre teaches connection endpoint symbols having lines and segments, wherein the first line end segment is adjacent to the first node and the second line end segment is adjacent to the second node (figs. 13-15; col. 16, lines 3-67; col. 17, lines 1-36).

Claim 3:

McIntyre teaches graphic symbols that indicate the existence of multiple connections (figs. 13-15).

Claim 5:

McIntyre graphic symbols that illustrate port conditions thus, the first and second terminations will have the same graphic symbols when the first and second connections have the same state.

Claim 6:

McIntyre teaches graphic symbols that illustrate port conditions thus, the first and second terminations will have different graphic symbols when the first and second connections have different states.

Claim 11:

See claim 1. See figs. 13-15.

Claim 12:

See claim 1. See figs. 13-15.

Claim 13:

See claim 1. See figs. 13-15.

Claims 14 and 15:

See claim 1. McIntyre teaches a processor, data source for providing connection information about interconnected nodes (figs. 1, 13-15; col. 3, lines 39-65; col. 16, lines 3-67; col. 17, lines 1-36).

Claim 16:

See claim 1. McIntyre teaches

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntyre.**

Claim 4:

McIntyre teaches many appropriate graphic icons (endpoint symbols) to illustrate different port status conditions but it does not teach that the endpoint symbol includes a two-pronged fork. However, it would have been

obvious to one ordinarily skilled in the art at the time the invention was made to modify McIntyre graphic icons to include a two-pronged fork because it may represent something specific such as two connections in one node.

**7. Claims 7-10, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *McIntyre* and *Cisco Systems Inc.* (book entitled "Monitoring a LightStream 2020 Switch, published by Cisco Systems Inc., in 1989-1997), (Cisco, hereinafter).**

Claims 7 and 17:

McIntyre does not teach the endpoint symbols include a numeric indication of the number of connections. However, Cisco discloses a graphical display of individual LS2020 switches, cards, and ports. The monitor uses color to indicate the status of various entities (page 4-2). Cisco teaches a topology map application that displays a map that represents the actual topology of an LS2020 network. The map is a set of related objects, symbols, and submaps that provide a graphical and hierarchical presentation of the network. Cisco teaches that multiple connections are represented by meta-connection symbols. The symbol for a meta-connection is  $<n>$ , where  $n$  is the number of connections being represented. Figure 4-12 illustrates a trunk between the 1s-alpha2 and 1s-alpha-np nodes actually

represents two trunks, as indicated by the meta-connection symbol <2>, (pages 4-17/4-19). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify McIntyre's graphic symbols to include Cisco's numeric indications because it informs the user about the number of connections in an efficient and accurate manner without having to interact with the computer.

Claim 8:

See claim 7. McIntyre teaches that the user may interact with the computer by using an input device (abstract; col. 1, lines 66-67; col. 2, lines 1-51; col. 3, lines 39-46; col. 4, lines 17-32).

Claim 9:

See claim 7. See Cisco, fig. 4-12, page 4-19.

Claim 10:

See claim 7. See Cisco, fig. 4-12, page 4-19.

Claim 16:

See claims 1 and 7. McIntyre/Cisco teaches displaying additional information about the connections (Cisco: pages 4-17/4-19; fig. 4-12).

**8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntyre and Clark et al (US 5,995,101 B1).**

Claim 18:

McIntyre does not teach a step of accepting signal including determining that the pointer has been moved near the connection. However, Clark discloses a graphical user interface (GUI) for use in a graphical display on a computer monitor that includes a cursor that allows a user to point to an area of interest in the graphical display. The GUI displays additional information when the user moves the pointer near the area of interest (abstract; col. 1, lines 44-67; col. 2, lines 1-13; figs. 1-3). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify McIntyre's presentation of information to include Clark's teaching of displaying additional information because the user is provided with relevant information only when needed.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on Monday-Thursday (8:00-18:00), Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista  
Patent Examiner  
Art Unit 2173

xlb

March 19, 2004